

MICHAEL A. CARDOZO  
Corporation Counsel



THE CITY OF NEW YORK  
LAW DEPARTMENT

100 CHURCH STREET  
NEW YORK, NY 10007

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MEMO ENDORSED  
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August 29, 2007

**By First Class Mail**

Honorable Richard M. Berman  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Richard Jones v. City of New York, et al., 07 Civ. 7004 (RMB)

Your Honor:

I am a Senior Counsel in the office of Michael A. Cardozo, Corporation Counsel of The City of New York, attorney for defendant City. Defendant City respectfully requests a 60 day extension of its time to respond to the complaint in this matter so that this office can investigate the allegations, gather its records, and make a good faith response to the complaint. Plaintiff's counsel consents to this request.

Additionally, plaintiff's counsel has advised this office that the individual officer defendants have not yet been served. Therefore, should the Court grant this enlargement, it should allow plaintiff time to serve those individual defendants. If timely served, it may also give this office time to determine, pursuant to Section 50-k of the New York General Municipal Law, and based upon a review of the facts of the case, whether we may represent them. *See Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

We have received the Order setting down an initial conference for September 14, 2007 at 10:00 a.m. Plaintiff's counsel has advised us that this conference is scheduled during the Jewish Holidays. Therefore the parties jointly request that the Court reschedule the conference.

This is the first request for an extension of time to respond and an adjournment of the initial conference.

Additionally, enclosed please find two Law School Intern Appearance Forms for your endorsement and filing. With these forms we are formally requesting permission to assign

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this matter to our legal interns, Lisa Applebaum and Josh Dunn, working at the Law Department directly under my supervision as part of our new clinic in conjunction with Brooklyn Law School. We have advised plaintiff's counsel of our intention and he has no objection to their appearances.

Thank you for consideration in this matter.

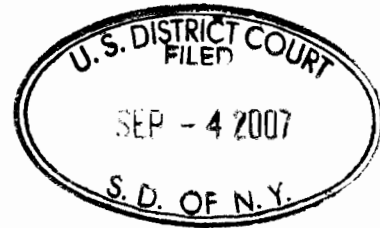
Respectfully submitted,




Susan M. Halatyn  
Senior Counsel

Encls.

cc: Jeffrey Pollack (by fax) w/encls.  
Tracie A. Sundack & Associates, L.L.C.  
Attorneys for Plaintiff  
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White Plains, NY 10601



<b>APPLICATIONS GRANTED ON</b>	
<b>CONSENT. THE INITIAL CONFERENCE</b>	
<b>IS ADJOURNED UNTIL 11/14/07</b>	
<b>AT 9:30 A.M.</b>	
<b>SO ORDERED:</b>	
<b>Date:</b> <u>8/31/07</u>	
<b>Richard M. Berman, U.S.D.J.</b>	